

Date of Hearing: August 5, 2026

ASSEMBLY COMMITTEE ON APPROPRIATIONS

Buffy Wicks, Chair

SB 1192 (Rubio) – As Amended June 25, 2026

Policy Committee: Judiciary

Vote: 12 - 0

Urgency: No

State Mandated Local Program: No

Reimbursable: No

SUMMARY:

This bill enacts the Reclaim Act, which authorizes a victim of domestic violence who is a party to pending litigation to obtain a prefiling order prohibiting the perpetrator from filing litigation or conducting discovery against the victim in any civil, family, or small claims case without court permission.

More specifically, this bill:

- 1) Requires a court, after a noticed hearing, to grant a motion for a prefiling order upon finding by a preponderance of the evidence that the party against whom the order is sought is a perpetrator of domestic violence against the moving party and has filed or is pursuing frivolous or abusive litigation, or has conducted or is conducting frivolous or abusive discovery, against the victim.
- 2) Stays the litigation and any pending discovery requests during the pendency of the motion, and requires the court, upon granting the order, to dismiss pending litigation filed by the enjoined party, and to order withdrawal of pending discovery requests, that the court finds abusive, frivolous, without merit, or filed for harassment or delay.
- 3) Requires an enjoined party seeking to file new litigation, assert a new claim, or conduct discovery against the victim to first obtain court permission, which may be granted only upon a finding by a preponderance of the evidence that the litigation or discovery is not abusive, not frivolous, has merit, and has not been filed for the purpose of harassment or delay.
- 4) Automatically stays litigation or discovery commenced by an enjoined party without permission and requires the court, upon request, to grant the victim sanctions and attorney's fees and costs, subject to a determination of the enjoined party's ability to pay.
- 5) Prohibits charging a victim a filing or other fee for any document filed under the act, requires courts to permit free electronic filing, and authorizes any party, attorney, support person, or witness to appear remotely at any hearing without charge.
- 6) Requires court clerks to provide copies of prefiling orders to the Judicial Council, and requires the Judicial Council to maintain a record of enjoined parties, disseminate a monthly list to court clerks statewide, and promulgate implementing forms and rules of court by January 1, 2028, including notification forms regarding rights and obligations under the act.

- 7) Authorizes an enjoined party to apply to vacate the prefiling order upon a showing of a material change in facts and that the ends of justice would be served, and prohibits reapplication within 18 months of a denial.

FISCAL EFFECT:

- 1) Trial court cost pressures of an unknown amount, likely moderate and ongoing, together with Judicial Council staffing costs of an unknown amount (Trial Court Trust Fund (TCTF), General Fund (GF)). According to the Judicial Council, this bill would have a potentially moderate impact on court calendars and would generate staffing needs at both the court and council levels, depending on filing volume. Notably, a moderate calendar impact distributed across 58 trial courts would exceed the committee's fiscal threshold even at modest per-court workload.
- 2) Minor and absorbable costs to the Judicial Council to adopt or amend Rules of Court and Judicial Council forms (GF). This bill provides a one-year delay before those rules and forms take effect, which the Judicial Council indicates is sufficient to absorb that workload.

COMMENTS:

- 1) **Purpose.** According to the author:

[T]he current vexatious litigant statutory scheme can be difficult for domestic violence survivors to access and successfully use in preventing litigation abuse perpetrated by their abuser. This is why practitioners and researchers have recognized the need for additional legal protections to protect against litigation abuse.

- 2) **Background.** Litigation abuse is the use of legal or bureaucratic procedures by abusive partners to continue to harass, intimidate, coercively control, or maintain contact with former partners through the court system, including through frivolous filings and excessive or intrusive discovery. Existing law allows a party protected by a domestic violence restraining order (DVRO) to seek to have the restrained party declared a vexatious litigant after a single meritless suit, but that pathway requires a currently operative DVRO and reaches only initial filings, leaving discovery available as a vector for continued harassment. This bill creates a parallel prefiling order framework that extends to discovery, applies in any civil, family, or small claims case, and does not require an operative DVRO, while providing a mechanism for invalidating the conviction itself, modeled on the existing vexatious litigant statutes.
- 3) **Related Legislation.** SB 738 (Rubio), of this legislative session, which expands the vexatious litigant statute to include actions against victims of domestic violence, was held on the Senate Appropriations Committee suspense file.
- 4) **Prior Legislation.** SB 741 (Min), Chapter 231, Statutes of 2023, restricts discovery in Domestic Violence Prevention Act proceedings absent a showing of good cause.

AB 2391 (Cunningham), Chapter 84, Statutes of 2022, expands the vexatious litigant statute to allow a person protected by a DVRO to seek a vexatious litigant declaration after one meritless, harassing action.

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